

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Samuel T Whatley II

*(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**-against-**

See attached

*(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)*

**Complaint for a Civil Case**

2:22-3582-DCN-MHC

Case No. \_\_\_\_\_

*(to be filled in by the Clerk's Office)*

Jury Trial: ☐ Yes ☒ No  
*(check one)*

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**Defendants**

1. City of Charleston
2. Kay Cross
3. John J. Tecklenburg
4. Charleston Police Department
5. Anthony Gibson
6. South Carolina Human Affairs Commission
7. Alex Nelson

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Samuel T Whatley II</u>
Street Address	<u>579 Folly Road 14254</u>
City and County	<u>Charleston</u>
State and Zip Code	<u>South Carolina 29422</u>
Telephone Number	<u>9108501202</u>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	<u>City of Charleston (CoC)</u>
Job or Title (if known)	<u></u>
Street Address	<u>75 Calhoun Street Suite 3600</u>
City and County	<u>Charleston</u>
State and Zip Code	<u>South Carolina 29401</u>
Telephone Number	<u>8437247388</u>

**Defendant No. 2**

Name	<u>Kay Cross</u>
Job or Title (if known)	<u>Director of Human Resources at CoC</u>
Street Address	<u>75 Calhoun Street</u>
City and County	<u>Suite 3600</u>
State and Zip Code	<u>South Carolina 29401</u>
Telephone Number	<u>8437247388</u>

**Defendant No. 3**

Name	<u>John J. Tecklenburg</u>
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Job or Title (if known)	<u>Mayor at CoC</u>
Street Address	<u>P.O. Box 652</u>
City and County	<u>Charleston</u>
State and Zip Code	<u>South Carolina 29402</u>
Telephone Number	<u>8435776970</u>

Defendant No. 4

Name	<u>Charleston Police Department (CPD)</u>
Job or Title (if known)	<u></u>
Street Address	<u>180 Lockwood Boulevard</u>
City and County	<u>Charleston</u>
State and Zip Code	<u>South Carolina 29403</u>
Telephone Number	<u>8435777434</u>

Defendant No. 5

Name	<u>Anthony Gibson</u>
Job or Title (if known)	<u>Sergeant at CPD</u>
Street Address	<u>180 Lockwood Boulevard</u>
City and County	<u>Charleston</u>
State and Zip Code	<u>South Carolina 29403</u>
Telephone Number	<u>8437202404</u>

Defendant No. 6

Name	<u>South Carolina Human Affairs Commission (SCHAC)</u>
Job or Title (if known)	<u></u>
Street Address	<u>1026 Sumter Street Suite 101</u>
City and County	<u>Columbia</u>
State and Zip Code	<u>South Carolina 29240-4490</u>
Telephone Number	<u>8005210725</u>

Defendant No. 7

Name	<u>Alex Nelson</u>
Job or Title (if known)	<u>Intake and Referral Division at SCHAC</u>

Street Address	<u>1026 Sumter Street Suite 101</u>
City and County	<u>Columbia</u>
State and Zip Code	<u>South Carolina 29240-4490</u>
Telephone Number	<u>8005210725</u>

## II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

### A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Family and Medical Leave Act (FMLA) and employment accommodations

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

b. If the plaintiff is a corporation

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_. Or is incorporated under the laws of *(foreign nation)* \_\_\_\_\_, and has its principal place of business in *(name)* \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

CPD and CoC mandated new hires to take COVID vaccines and wear masks as a condition of employment. In addition, GIBSON and CROSS did not care about the family related medical problem and terminated the plaintiff before being processed as a new hire.

It occurred in the Fall of 2021 and Spring of 2022. SCHAC was notified and assigned NELSON to the complaint (EEOC 14C-2022-00308), only to dismiss it on March 25<sup>th</sup>, 2022, delaying an answer nearly half a year later, resulting in loss in potential wages.

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Loss in wages as if plaintiff would be fairly treated as an employee of CPD and CoC.

Yearly salary for the average employee at CPD ranges from \$46,000–\$60,000.

Pay for the damages inflicted on my family because of being denied employment accommodations because of having experimental gene therapy as a vaccine with aborted fetal tissue and wearing China masks as a condition of employment.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: OCT 11, 2022.

Signature of Plaintiff

Printed Name of Plaintiff

Samuel Whatley II  
SAMUEL WHATLEY II

**B. For Attorneys**

Date of signing: \_\_\_\_\_, 20\_\_.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address